

PATENT

ATTORNEY'S DOCKET NO: DIVER1240-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Warren and Swanson Art Unit: 1652  
Application No.: 09/389,537 Examiner B. Slobodyansky  
Filed: September 2, 1999  
Title: TRANSAMINASES AND AMINOTRANSFERASES

Commissioner of Patents  
Washington, D.C. 20231

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TERMINAL DISCLAIMER

Sir:

The undersigned, attorney of record for Petitioner, DIVERSA CORPORATION, with its place of business at 4955 Directors Place, San Diego, CA 92121, represents that Petitioner is the Assignee of 100 percent interest in Application Serial No. 09/389,537, filed September 2, 1999, entitled TRANSAMINASES AND AMINOTRANSFERASES, as evidenced by an Assignment recorded on April 26, 1996 in the United States Patent and Trademark Office on Reel 8051, Frame 0113 to Recombinant BioCatalysis, Inc., La Jolla, California, now known as DIVERSA CORPORATION.

The evidentiary documents referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Assignee.

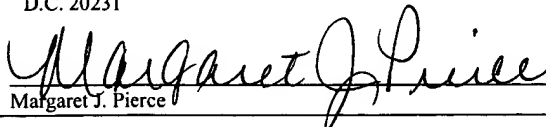
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CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on 4-24-01 in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231

  
Margaret J. Pierce

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Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, DIVERSA CORPORATION, disclaims the terminal part of any patent granted on claims 1-14 of the above-identified Application No. 09/389,537 that would extend beyond the expiration date of U.S. Patent No. 5,814,473. Petitioners hereby agree that any patent so granted on the above-identified application No. 09/389,537 shall be enforceable only for and during such period that the legal title to claims 17 and 18 of said patent shall be the same as the legal title to claims 15 and 16 of U.S. Patent No. 5,814,473, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

In addition, pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, DIVERSA CORPORATION, disclaims the terminal part of any patent granted on the above-identified Application No. 09/389,537 that would extend beyond the expiration date of any patent granted on U.S. Patent Application Serial No. 09/412,184. Petitioners hereby agree that any patent so granted on the above-identified application No. 09/389,537 shall be enforceable only for and during such period that the legal title to claims 17 and 18 of said patent shall be the same as the legal title to any patent that may be granted on U.S. Patent Application Serial No. 09/412,184, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.


To cover the fee to file the Terminal Disclaimer, Applicants enclose herewith a check in the amount of \$55.00. The Commissioner is hereby authorized to charge any additional fee

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associated with filing this Terminal Disclaimer, or that may be required by this paper, or to credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of the Transmittal Sheet is enclosed.

Respectfully submitted,

Date: 4/24/01

  
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Enclosure: Check for \$55.00